

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PRUDENTIAL EQUITY GROUP, LLC

Plaintiff

-VS-

THOMAS R. AJAMIE, AJAMIE LLP, ROBERT  
WEISS, ROBERT H. WEISS & ASSOCIATES,  
LLP, JOHN MOSCOW, ROSNER NAPIERALA,  
LLP, BRIAN ROSNER, DAVID ROBBINS,  
KAUFMANN FEINDER YAMIN GILDIN &  
ROBBINS, LLP, WALLACE SHOWMAN,  
BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP, ROBERT KRAUS, KRAUS  
& ZUCHLEWSKI LLP, MARTIN KROLL,  
KROLL, MOSS & KROLL LLP, JOHN DOES 1-25,  
and ABC CORPORATIONS 1-25

Defendants

X

CASE NO. 07CV5606 (JSR)

BOND NO: 929426235

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #:

DATE FILED: 6/14/07

WHEREAS, by Order of the above entitled Court, Prudential Equity Group, LLC, Plaintiff, is required to file an undertaking in the sum of Twenty Five Thousand & 00/100 Dollars (\$25,000.00) as a condition for a Temporary Restraining Order to be restraining and enjoining the above named Thomas R. Ajamie, Ajamie LLP, Robert Weiss, Robert H. Weiss & Associates, LLP, John Moscow, Rosner Napierala, LLP, Brian Rosner, David Robbins, Kaufmann Feinder Yamin Gildin & Robbins, LLP, Wallace Showman, Bernstein Litowitz Berger & Grossmann LLP, Robert Kraus, Kraus & Zuchlewski LLP, Martin Kroll, Kroll, Moss & Kroll LLP, John Does 1-25 and ABC Corporations 1-25, Defendants, pending the hearing and determination of plaintiff's pending motion, as more fully set forth in the Order.

NOW, THEREFORE, the Western Surety Company, a corporation organized and existing under the laws of the South Dakota and authorized to transact the business of surety in the State New York, as Surety, in consideration of the premises and issuance of said Temporary Restraining Order does hereby undertake to pay all costs and disbursements that may be decreed to the Defendant, under said Temporary Restraining Order, such damages not exceeding the amount of Twenty Five Thousand & 00/100 Dollars (\$25,000.00), Dollars as the Defendant, may sustain by reason of said Temporary Restraining Order if the Court finds the same was wrongfully as without sufficient cause.

IN WITNESS WHEREOF, we have set our hand and seal this 13<sup>th</sup> Day of June, 2007

WESTERN SURETY COMPANY

Mary Lawrence,

Attorney-in-Fact

Received for filing this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Clerk of the Court

by Deputy Clerk

Approved  
As To Form  
J. Michael McNamee  
Clerk  
By J. Funn  
Dep. Clerk



**SURETY ACKNOWLEDGEMENT**

STATE OF NEW JERSEY  
COUNTY OF MORRIS

On June 13, 2007 before me personally came Mary Lawrence to me known to be an Attorney-in-Fact of Western Surety Company, the corporation described in the within instrument, and she acknowledged that she executed the within instrument as the act of the said Western Surety Company in accordance with authority duly conferred upon her by said company.

  
Notary Public

APRIL PEREZ  
Notary Public State of New Jersey  
My Commission Expires Feb. 22, 2009



**PRINCIPAL ACKNOWLEDGEMENT**

STATE OF  
COUNTY OF

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me personally came  
\_\_\_\_\_ to me known to be a \_\_\_\_\_ of  
\_\_\_\_\_, the corporation described in the within instrument, and  
he/she executed the within instrument as the act of the said \_\_\_\_\_  
in accordance with authority duly conferred upon him/her by said company.

\_\_\_\_\_  
Notary Public

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Natalie Reingold, Ely Psijas, Mary Lawrence, James P Holland, Debra L Teplitzky, Christopher J Mc Carty, Michael D Seff, Theresa Giraldo, Shirley A Dewely, Jeanne M Barrett, Suzanne L Polow, Tatyana Ofenbakh, Joseph T Catania, Tracey D Watson, Individually**

of Morristown, NJ, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 25th day of October, 2006.



WESTERN SURETY COMPANY

*Paul T. Brufat*

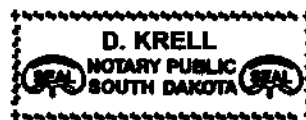
Paul T. Brufat, Senior Vice President

State of South Dakota }  
County of Minnehaha } as

On this 25th day of October, 2006, before me personally came Paul T. Brufat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



*D. Krell*

D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 13th day of June, 2007.



WESTERN SURETY COMPANY

*L. Nelson*

L. Nelson, Assistant Secretary

**WESTERN SURETY COMPANY**  
**Sioux Falls, South Dakota**  
**Statement of Condition and Affairs**  
**December 31, 2006**

**ASSETS**

Bonds	\$746,774,301
Stocks	18,582,255
Cash and short-term investments	92,003,241
Other invested assets	22,130
Uncollected premiums and agents' balances	38,560,254
Amounts recoverable from reinsurers	1,741,076
Funds held by or deposited with reinsured companies	33,145,165
Federal income tax recoverable	856,171
Net deferred tax asset	15,833,057
Electronic data processing equipment and software	1,669,285
Investment income due and accrued	9,662,524
Other assets	<u>792,731</u>
Total Assets	<u><u>\$959,642,190</u></u>

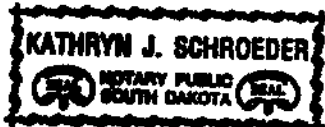
**LIABILITIES AND SURPLUS**

Losses	\$217,493,474
Loss adjustment expense	56,465,342
Contingent and other commissions payable	3,924,607
Other expense	19,371,110
Taxes, licenses and fees	3,197,224
Unearned premiums	244,883,556
Retroactive reinsurance reserve assumed	10,535,196
Other liabilities	<u>54,756,509</u>
Total Liabilities	610,627,018

**Surplus Account:**

Capital paid up	\$4,000,000
Gross paid in and contributed surplus	176,435,232
Unassigned funds	<u>168,579,940</u>
Surplus as regards policyholders	\$349,015,172
Total Liabilities and Capital	<u><u>\$959,642,190</u></u>

I, Philip E. Lundy, Vice President and Treasurer of Western Surety Company hereby certify that the above is an exact copy of the financial statement of the Company dated December 31, 2006, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.



Western Surety Company

By Philip E. Lundy  
Vice President, Treasurer

Subscribed and sworn to me this 29 day of February, 2007.

My commission expires:

KATHRYN J. SCHROEDER  
My Commission Expires 7-21-2009

Kathryn J. Schroeder  
Notary Public